REMARKS

Thorough examination of the application is sincerely appreciated.

According to the Office Action, claims 1, 3, 5, 10, 11, 13, 15, 20, 22 and 24 are rejected under 35 USC 102(b) as being anticipated by US Patent 5,886,742 (hereinafter "Hibi").

In response, the rejections are respectfully traversed as lacking sufficient factual support and failing to sustain anticipation under 35 USC 102 in accordance with the established cases and statutory law.

Further according to the Office Action, claims 2, 4, 7-9, 12, 14, 17-19, 21, 23 and 26-28 are rejected under 35 USC 103(a) as being obvious over Hibi in view of US Patent 6,208,693 (hereinafter "Chen").

In response, these rejections are also respectfully traversed as lacking sufficient factual support and failing to establish a prima facie case of obviousness in accordance with the established cases and statutory law.

In the outstanding Office Action, it is asserted that Hibi discloses Applicant's feature of "an object evaluation system that evaluates a video object using a predetermined criterion" as recited in claim 1. For such a disclosure, the examiner relies on Hibi's abstract, col. 32, line 66 - col. 33, line 9, and col. 35, lines 10-27. Those allegedly relevant portions – according to the Office Action – are reproduced hereinbelow to aid in the analysis of this case:

"An effective-area selecting portion selects a valid or invalid mask depending upon a position of a processable object …" (comments by the examiner on Hibi's abstract).

"The effective area selecting portion 231 selects an effective-area selecting mask according to a position of a control grid on an input video-frame and outputs the selected mask to the motion vector searching portion 232" (comments by the examiner on Hibi's col. 32, line 66 - col. 33, line 9.

"In the instance of FIG. 22, control grid points are set for each unit area of 16 by 16 pixels and of 8 by 8 pixels.

In searching motion-vectors, weighting is conducted in the same way as the conventional searching method. In addition to this, the searching method according to the present invention uses effective-area selecting masks. Namely, valid and invalid parts of each processable area for weighting can be specified by using the effective-area selecting mask" (comments by the examiner on Hibi's col. 35, lines 10-27.

Applicant's representative has carefully reviewed Hibi as relied upon in the Office Action. It is respectfully submitted that nowhere does Hibi teach or suggest the features of Applicant's invention as recited in claim 1.

Namely, Hibi merely teaches selecting a mask depending on a position of an object. It is not clear where the examiner finds the feature of Applicant's object evaluation system, as recited in Applicant's claim 1. Where does Hibi teach or suggest the feature of evaluating an object? Where does Hibi teach or suggest the feature of evaluating an object using a predetermined criterion?

The examiner's reliance on Hibi is not understood. It is believed that Hibi was impermissibly mischaracterized without any factual support. Clarification is requested.

More specifically, the examiner is requested to particularly point out which element in Hibi reads on Applicant's object evaluation system. Please use Hibi's reference number or character for such alleged, corresponding element. The examiner is further requested to specifically indicate where such alleged element in Hibi performs Applicant's feature of evaluating an object. Please use Hibi's column, line numbers for such alleged, correspondence. The examiner is further requested to particularly point out where such alleged element in Hibi performs Applicant's feature of evaluating an object using a predetermined criterion. Please use Hibi's column, line numbers for such alleged, correspondence. In the absence of such factual support, the rejections cannot be properly maintained and should be withdrawn. Such a practice is prohibited by the applicable law and cannot possibly be sanctioned by the USPTO.

If the examiner still believes otherwise and maintains the rejection based on the same prior art reference, he is respectfully requested 1) to **specifically point out** – using column, line numbers and reference numerals/characters – where such a disclosure can be found in Hibi; 2) to provide a personal affidavit stating the facts within his personal knowledge; or 3) to provide an affidavit from a skilled artisan stating the same. Once again, the examiner is reminded that in the absence of providing such evidence for Applicant's review and analysis, the rejections can't be properly maintained.

Further according to the Office Action, it is asserted that Hibi discloses Applicant's feature of "a mask generation system that generates one of a plurality of mask types for the video object based on the evaluation of the video object" as recited in claim 1. For such disclosure, the examiner relies on Hibi's Fig. 23 and col. 35, lines 10-37.

It is respectfully submitted that the examiner relies on the very same portion of Hibi for the alleged disclosure of Applicant's 2 different features: an object evaluation system and a mask generation system. Clarification is requested for such apparently inconsistent statements in the Office Action.

Applicant's representative has carefully reviewed Hibi, as relied upon in the Office Action, with reference to Applicant's mask generation system. It is respectfully submitted that nowhere does Hibi teach or suggest that feature of Applicant's invention as recited in claim 1.

As stated hereinabove, Hibi's searching method uses effective-area selecting masks. Namely and according to Hibi, valid and invalid parts of each processable area for weighting can be specified by using the effective-area selecting mask.

Once again, the examiner's reliance on Hibi is not understood. It is believed that Hibi was impermissibly mischaracterized without any factual support.

If the rejection is maintained, the examiner is requested to particularly point out which element in Hibi reads on Applicant's mask generation system. Please use Hibi's reference number or character for such alleged, corresponding element. The examiner is further requested to specifically indicate where such alleged element in Hibi performs Applicant's feature of generating one of a plurality of mask types for the video object. Please use Hibi's column, line numbers for such alleged, correspondence. The examiner is further requested to particularly point out where such alleged element in Hibi performs Applicant's feature of generating one of a plurality of mask types for the video object based on the evaluation of the video object. Please use Hibi's column, line numbers for such alleged, correspondence. In the absence of such factual support, the rejections cannot be properly maintained and should be withdrawn.

If the examiner still believes otherwise and maintains the rejection based on the same prior art reference, he is respectfully requested 1) to **specifically point out** – using column, line numbers and reference numerals/characters – where such a disclosure can be found in Hibi; 2) to provide a personal affidavit stating the facts within his personal knowledge; or 3) to provide an affidavit from a skilled artisan stating the same. Once again, the examiner is reminded that in the absence of providing such evidence for Applicant's review and analysis, the rejections can't be properly maintained.

According to the binding case law established by U.S. Court of Appeals for the Federal Circuit and its predecessor Court (as interpreted in Section 2131 of the MPEP), to anticipate a claim, the reference must teach each and every element of that claim. As discussed above, the examiner failed to properly support the anticipation rejections because Hibi is woefully deficient in teaching each and every element of Applicant's claim 1. It is, therefore, respectfully submitted that independent claim 1 is not anticipated by Hibi. Withdrawal of the rejection is

respectfully requested, as it cannot be sustained legally.

Independent claims 11 and 20 contain similar limitations to claim 1, whereby analysis of those claims is analogous to the one of claim 1, as presented hereinabove. To avoid repetition, claims 11 and 20 will not be discussed in detail with the understanding that they are patentable at least for the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the rejection and allowance of claims 11 and 20.

Claims 3, 5, 10, 13, 15, 22 and 24 depend from independent claims. Hence, these claims are also distinguishable over the prior art of record at least for the above reasons, as well as the additional features recited therein. Applicant submits that the reason for the rejection of claims 3, 5, 10, 13, 15, 22 and 24 has been overcome and respectfully request withdrawal of the rejection and allowance of the claim.

Chen is applied with Hibi to the obviousness rejection of claims 2, 4, 7-9, 12, 14, 17-19, 21, 23 and 26-28. However, Chen is not relied upon to overcome the deficiencies with respect to the rejection of the independent claims, as discussed above. Accordingly, the rejection of claims 2, 4, 7-9, 12, 14, 17-19, 21, 23 and 26-28 must be withdrawn.

In view of the above, it is respectfully submitted that Hibi and Chen, whether alone or in combination, do not anticipate or render obvious the present invention as recited in claims 1-28.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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